

REMARKS

In the Official Action mailed on **14 December 2006**, the Examiner reviewed claims 1-30. Claims 1-5, 7-15, 17-25, and 27-30 were rejected under 35 U.S.C. §103(a) as being unpatentable over Sun Microsystems, Inc. (*Sun Cluster 2.2 API Developer's Guide*, hereinafter "Sun Cluster 2.2") in view of Richburg (USPN 5,159,687, hereinafter "Richburg"), and in further view of Delaney et al. (USPN 5,996,086, hereinafter "Delaney"). Claims 6, 16, and 26 were rejected under 35 U.S.C. §103(a) as being unpatentable over Sun Cluster 2.2, in view of Richburg, further in view of Delaney, and further in view of Sun Microsystems, Inc. (*Application Packaging Developer's Guide*, hereinafter "APDG").

Rejections under 35 U.S.C. §103(a)

Independent claims 1, 11, and 21 were rejected as being unpatentable over Sun Cluster 2.2 in view of Richburg, and in further view of Delaney. Applicant respectfully points out that the combined system of Sun Cluster 2.2, Richburg, and Delaney teaches how to use the Sun Cluster Data Service API (Application Programmer Interface) (see Sun Cluster 2.2, section 1.1, first paragraph). The methods included in the API enable a data service (application) to interact with a Sun Cluster (see Sun Cluster 2.2, section 1.2, first paragraph). Furthermore, the combined system of Sun Cluster 2.2, Richburg, and Delaney teaches modifying the data service to provide a mechanism that, upon the host crashing, points to data associated with the data service (see Sun Cluster 2.2, section 1.4.3, paragraph 3).

In contrast, the present invention teaches a method for the automated generation of resource types (see page 8, paragraph [0028] of the instant invention). Furthermore, the present invention teaches wrapping these resource types around an application to provide additional capabilities, such as high availability or scalability (see page 11, paragraph [0034] of the instant

application). Before doing so, the present invention determines if an application can be wrapped in a resource type (see page 11, paragraph [0035] of the instant application). If so, a resource type is automatically generated without modifying the application (the resource type is wrapped around the application) (see page 8, paragraph [0028], and page 11, paragraph [0034] of the instant application). This is advantageous because it enables making applications, which were not initially designed as such, scalable or highly available without modifying the application, and without requiring the user to have knowledge of programming.

There is nothing within Sun Cluster 2.2, Richburg, or Delaney, either separately or in concert, which suggests automatically generating a resource type and wrapping an application with the resource type to make it scalable or highly available. Furthermore, there is nothing within Sun Cluster 2.2, Richburg, or Delaney that teaches determining if an application is capable of being wrapped in a resource type.

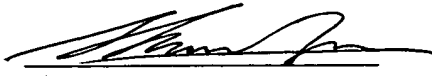
Accordingly, Applicant has amended independent claims 1, 11, and 21 to clarify that the present invention determines if an application can be wrapped in a specific resource type, and if so, wraps the application in the specific resource type. These amendments find support on page 8, paragraph [0028], and on page 11, paragraphs [0034]-[0035] of the instant application. No new matter has been added.

Hence, Applicant respectfully submits that independent claims 1, 11, and 21 as presently amended are in condition for allowance. Applicant also submits that claims 2-10, which depend upon claim 1, claims 12-20, which depend upon claim 11, and claims 22-30, which depend upon claim 21, are for the same reasons in condition for allowance and for reasons of the unique combinations recited in such claims.

CONCLUSION

It is submitted that the present application is presently in form for allowance. Such action is respectfully requested.

Respectfully submitted,

By 
Shun Yao
Registration No. 59,242

Date: 17 January 2007

Shun Yao
PARK, VAUGHAN & FLEMING LLP
2820 Fifth Street
Davis, CA 95618-7759
Tel: (530) 759-1667
FAX: (530) 759-1665
Email: shun@parklegal.com